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Remarks

Reconsideration of this patent application is respectfully requested, particularly as herein amended.

The Office Action of May 16, 2006, rejects claims 1, 31 to 33, 45 to 55, 58, 59, 61 and 62 under 35 U.S.C. §102(b) as being anticipated by a U.S. Patent issued to Spurlin (US 2,760,504), and rejects claims 34 to 44, 56, 57 and 60 under 35 U.S.C. §103(a) as being unpatentable over a proposed combination of Spurlin with a U.S. Patent issued to de Back (US 2,314,871). It has been noted that in formulating these rejections, pending independent claim 30 has not been addressed and independent claim 1, which has been canceled, is referred to. In responding to the Office Action, it has been assumed that discussion pertaining to "claim 1" properly refers to independent claim 30.

Claim 30 has been amended to recite a path for directing stoppering parts through a sterilizing machine and between an inlet and outlet of the machine, along a helical path which is defined by a helical slideway located between a cylindrical sleeve and a stationary drum, wherein the helical slideway has a profile which receives the stoppering parts so that the stoppering parts are slidably received between the cylindrical sleeve and the stationary drum, and within the helical slideway. Such structure is best illustrated, for example, in Figures 4 and 5, and Figures 9 and 10 of the

drawings, among others, and was described in the original specification, for example, at lines 1 to 8 and 26 to 31 of page 7, and at lines 5 to 15 of page 11.

There is no disclosure of such structure in Spurlin, overcoming the rejection of claims formulated under 35 U.S.C. §102(b).

In addition, Spurlin discloses an apparatus for cleaning parts having a conveyer track including a downward conveyer track 18 and an upwardly conveying track 20. As indicated at lines 56 to 62 of column 2 of Spurlin, the tracks 18, 20 operate to first move material downwardly, toward a transfer pan member 31 provided at the bottom of the apparatus, and to then move the material upwardly to recirculate the material to the top of the apparatus. Noting lines 41 to 49 of column 1 of Spurlin, movement of the material along the tracks 18, 20 is accomplished by "vibratory action", responsive to field and core members 10 and 11.

Consequently, Spurlin does not disclose an apparatus having a longitudinal axis which extends through the apparatus, and an inlet at a first end of the apparatus which opposes an outlet at a second end of the apparatus that opposes the inlet along the longitudinal axis extending through the apparatus. Instead, Spurlin first moves material downwardly, toward the bottom of the apparatus, and then upwardly to return the material to the top of the apparatus. As a result, the inlet 21 and the outlet 23 of Spurlin are located at the same end of the apparatus

relative to its longitudinal axis, and not at opposing ends, as is recited in dependent claim 31.

Moreover, Spurlin discloses only a single apparatus for performing the cleaning operations that are described. As a result, Spurlin does not disclose an apparatus having three successive and coaxial sections including a sterilizing section, a rinsing section and a drying section, which are coaxial with the longitudinal axis of the helical path, as is recited in dependent claim 32. Contrary to the position taken at page 2 of the Office Action, no rinsing is disclosed at lines 12 to 14 of column 3 of Spurlin, and no structure is disclosed for the drying which is mentioned at lines 50 to 52 of column 1.

Furthermore, Spurlin discloses movement of the material along the tracks 18, 20 responsive to "vibratory action". As a result, Spurlin does not disclose the transport of material through the apparatus either by a rotating member, as is recited in applicant's claims 33 through 44, or by a driving fluid, as is recited in applicant's claims 45 through 60. Contrary to the position taken at the bottom of page 2 of the Office Action, lines 34 to 36 of column 3 of Spurlin disclose the use of steam and air for "treating" the material which is being processed, not for purposes of "driving" the material through the apparatus.

Also to be noted is that in Spurlin, upper portions of both of the tracks 18, 20 are open (on the top). Because of the vibratory action Spurlin uses to transport material through the disclosed apparatus, the stoppering parts for bottles which are

operated upon by the apparatus of the present invention could be ejected from the tracks of Spurlin, or could be jostled while traversing the transfer pan member 31. This could then result in placement of the stoppering parts in random positions potentially unsuitable for the sterilization process which is to follow.

In accordance with the present invention, the stoppering parts are maintained in an orientation which is suitable for the sterilizing operations which are to take place, one beside the other, with the central axes of the stoppering parts extending between the cylindrical sleeve and the stationary drum which receive them, as is recited in newly presented dependent claim 63. Resulting from such structure, openings of the stoppering parts are directed toward the longitudinal axis of the apparatus, as is recited in dependent claim 64. Such structure precludes the risks of reversal or malpositioning of the stoppering parts in the apparatus, precluding the risks of ineffective washing, or jamming of the apparatus, as distinguished from the apparatus disclosed by Spurlin, which would be subject to such risks.

The patent to de Back is cited in proposed combination with the patent to Spurlin for purposes of rejecting claims 34 to 44, 56, 57 and 60 under 35 U.S.C. §103(a).

Firstly, it is submitted that a combination of the teachings of Spurlin and de Back would not have occurred to the person of ordinary skill in the art at the time the present invention was made. Spurlin relates to the cleaning of bulk material (column 1, line 51), including granular or powdered

material (column 1, lines 43 and 44). De Back relates to the blanching of foodstuffs in small individual batches (column 1, lines 3 to 5). Clearly then, Spurlin and de Back relate to the processing of entirely different commodities to achieve entirely different results, leaving any combination of their teachings without motivation, other than a hindsight reconstruction of applicant's claimed invention, which is an impermissible basis for a rejection of claims under 35 U.S.C. §103(a).

Secondly, the patent to de Back discloses an apparatus for treating foodstuffs, such as vegetables, in small individual batches (column 1, lines 1 to 5). To this end, a screw 19 is provided for moving the batches of foodstuffs through a bath contained in a drum 17.

However, because foodstuffs are being treated by the disclosed apparatus, it is not necessary to maintain the material being processed in any particular, or precise, orientation while entrained by the revolving screw. This is to be distinguished from the stoppering parts which are processed in accordance with the present invention, which are oriented by the helical slideway for effective processing.

Moreover, the hood 42 that surrounds the drum 17 does not operate to drive batches of foodstuffs through the apparatus disclosed by de Back, but is instead used as an enclosure for the drum 17. In addition, the batches of foodstuffs are not disposed between the hood 42 and the drum 17, but rather circulate inside the drum 17, responsive to rotation of the screw 19. This is to

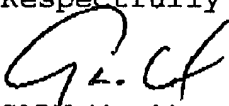
be distinguished from the oriented movement of stoppering parts through applicant's claimed apparatus.

Accordingly, the proposed combination of Spurlin and de Back, even if made, would not have led the person of ordinary skill in the art at the time the present invention was made to position stoppering parts between a fixed cylindrical envelope and an outer cylindrical envelope (turning or fixed), during a sterilizing operation, or to maintain the stoppering parts in a desired orientation for the entire duration of their transport through the apparatus.

In view of the foregoing, it is submitted that the rejection of claims 34 to 44, 56, 57 and 60 under 35 U.S.C. §103(a) is unwarranted, and a reconsideration and withdrawal of this rejection is respectfully requested.

It is, therefore, submitted that the present application is in condition for allowance and corresponding action is earnestly solicited.

Respectfully submitted,

  
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